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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,472	11/12/2003	Axel Herbst	6570P057	9414

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EXAMINER	
RAYYAN, SUSAN F	
ART UNIT	**PAPER NUMBER**
2167	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/712,472	HERBST ET AL.
	Examiner	Art Unit
	Susan F. Rayyan	2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 September 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *40-64* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *40-64* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

~~Priority under 35 U.S.C. § 119~~

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-39 are canceled.

2. Claims 56-64 are newly added. Claims 40-64 are pending

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 40-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,548,750 issued to Bo E. S. Larsson et al ("Larsson") in view of US Publication Number 2003/0004975 issued to Yukio Nakano et al ("Nakano").

As per claim 40 Larsson teaches:

a) assigning an identifier for a data object and storing said identifier, said data object stored in a database (Figure 1, elements A' and C', column 6, lines 45-47, as backup marked in the LID table and column 4, lines 42-45, as A' and C' stored in the database area);

b) providing said identifier in response to a request requesting one or more

identifiers of one or more data objects to be deleted, locking said identifier, and confirming that content of an archived version of said data object corresponds to said data object's content (Figure 6, column 6, lines 45-47, as backup marked in the LID table of the local dam base and column 8, lines 7-11 as if it equal to "include" the object will be copied to the backup area, if it is equal to "exclude" the object will be copied but the value of the variable is set to "Include" as preparation or the next backup);

c) deleting said data object from said database (Figure 6, element Throw out object).

Larsson does not explicitly teach deleting said identifier. Nakano teaches this limitation at (paragraph 104, lines 4-7, as issue a delete request to delete the inserted original data) to adapt the deletion of the original data object after it is copied to a second storage area. It would have been obvious to a person of ordinary skill in the art at the invention was made to modify Larson with deleting said identifier to adapt the deletion of the original data object after it is copied to a second storage area.

As per claim 41 same as claim arguments above and Larsson teaches: further comprising marking said data object as available for deletion after said version of said data object has been archived (Figure 6, element Throw Old object).

As per claim 42 same as claim arguments above and Larsson teaches: wherein said storing of said identifier further comprises storing said identifier into a relational database (column 6, lines 30-35, LID Table).

As per claim 43 same as claim arguments above and Larsson teaches: further comprising determining if a computing system that uses information stored in said database is currently sufficiently under-utilized to permit performing a), b) and c) (column 2, lines 52-55).

As per claim 44 is rejected based on the same rationale as claim 40 above.

As per claim 45 same as claim arguments above and Larsson teaches: wherein the number of said one or more identifiers is limited to a value specified by an administrator (column 6, lines 40-44).

As per claim 46 same as claim arguments above and Larsson teaches: wherein said one or more data objects are within the same logical partition of said database (column 4, lines 25-30, as primary memory divided into two parts: database area and backup area, A' and C' are stored in the database area).

As per claim 47 same as claim arguments above and Larsson teaches: assigning and storing a second identifier for a second data object, said second data object stored in a database(Figure 1, elements C', column 6, lines 45-47,

as backup marked in the LID table and column 4, lines 42-45, as C' stored in the database area);

locking said identifier and confirming that content of an archived version of said second data object corresponds to said second data object's content(Figure 6, column 6, lines 45-47, as backup marked in the LID table of the local dam base and column 8, lines 7-11 as if it equal to "include" the object will be copied to the backup area, if it is equal to "exclude" the object will be copied but the value of the variable is set to "Include" as preparation or the next backup);

deleting said second data object from said database... Figure 6, element Throw out object).

As per claim 48 same as claim arguments above and Larsson teaches:
further comprising limiting the number parallel deleting operations to a value specified by an administrator (Figure 6, Throw OUT Object).

As per claim 50 Larsson teaches:
assigning an identifier for a data object and storing said identifier, said data object stored in a database(Figure 1, elements A' and C', column 6, lines 45-47, as backup marked in the LID table and column 4, lines 42-45, as A' and C' stored in the database area);
data providing said identifier in response to a request made by a second module requesting one or more identifiers of one or more objects to be deleted,

locking said identifier(Figure 6, column 6, lines 45-47, as backup marked in the LID table of the local dam base and column 8, lines 7-11 as if it equal to "include" the object will be copied to the backup area, if it is equal to "exclude" the object will be copied but the value of the variable is set to "Include" as preparation or the next backup);

a second module comprising second program code that when executed by said machine performs a second method, comprising:
confirming that content of an archived version of said data object corresponds to said data object's content(Figure 6, column 6, lines 45-47, as backup marked in the LID table of the local dam base and column 8, lines 7-11 as if it equal to "include" the object will be copied to the backup area, if it is equal to "exclude" the object will be copied but the value of the variable is set to "Include" as preparation or the next backup);
deleting said data object. (Figure 6, element Throw out object).

Larsson does not explicitly teach deleting said identifier. Nakano teaches this limitation at (paragraph 104, lines 4-7, as issue a delete request to delete the inserted original data) to adapt the deletion of the original data object after it is copied to a second storage area. It would have been obvious to a person of ordinary skill in the art at the invention was made to modify Larson with deleting said identifier to adapt the deletion of the original data object after it is copied to a second storage area.

As per claim 51 same as claim arguments above and Larsson teaches: receiving a request from said second software module, said request requesting the identity of data objects marked for deletion, responding to said request by providing to said second software module one or more identifiers identifying a corresponding one or more data objects marked for deletion (Figure 6, Throw Out Object).

As per claim 52 same as claim arguments above and Larsson teaches: wherein said first method further comprises limiting the number of said one or more identifiers to a value specified by an administrator (column 6, lines 40-44).

As per claim 53 same as claim arguments above and Larsson teaches: wherein said first method is written to permit said first module to comprehend that said one or more data objects are within the same logical partition of said database (column 4, lines 25-30, as primary memory divided into two parts: database area and backup area, A' and C' are stored in the database area).

As per claim 54 same as claim arguments above and Larsson teaches: wherein said second method further comprises repeatedly issuing requests for the identity of data objects marked for deletion (column 2, lines 50-55, backup periodically).

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,548,750 issued to Bo E. S. Larsson et al ("Larsson") in view of US Publication Number 2003/0004975 issued to Yukio Nakano et al ("Nakano") as applied to claim 40 above, and further in view of US Patent 7,035,866 issued to Chia-Hsun Chen et al ("Chen").

As per claim 49 same as claim arguments above and Larsson in view of Nakano do not teach wherein said data object is formatted according to an XML format. Chen does teach this limitation (column 4, lines 27, xml format) to efficiently process data. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Larsson in view of Nakano to efficiently process data as described by Chen (column 4, lines 25-35). Claims 55-64 are rejected based on the same rationale as claim 40-49.

Response to Arguments

4. Applicant's arguments filed September 27, 2007 have been fully considered but they are not persuasive.

Applicant argues Larson does not teach locking said identifier, and confirming that content of an archived version of said data object corresponds to

said data object's content . Examiner finds Larson teaches this at Figure 6, column 6, lines 45-47, as backup marked in the LID table of the local dam base and column 8, lines 7-11 as if it equal to "include" the object will be copied to the backup area, if it is equal to "exclude" the object will be copied but the value of the variable is set to "Include" as preparation or the next backup.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan F. Rayyan whose telephone number is 571-272-1675. The examiner can normally be reached on M-F, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Susan Rayyan
December 7, 2007

JOHN COTTINGHAM
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